

Appl. No. 09/440,434
Amtd. dated September 9, 2005
Reply to Office Action of May 11, 2005

Amendments to the Drawings:

Included in the amendment are "Annotated Sheets Showing Changes" and "Replacement Sheets" for Figs. 1 and 10.

In Fig. 1, two blocks are labeled 31a. The identifying numeral for the block in the shape of a house with the word CABLE is amended to 33. Support for this change can be found in the specification at page 8, line 36, for example, where the two blocks "satellite signals 31a and 31b, cable TV service 33," are identified.

In Fig. 10, the misspelled word "storate" is corrected to "storage" in block 515.

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Remarks

The present amendment responds to the Official Action dated May 11, 2005. A petition for a one month extension of time to respond and authorization to charge Deposit Account No. 50-1058 the large entity extension fee of \$120 accompany this amendment. The Official Action rejected claims 9-17, 19-23, 25, and 26 under 35 U.S.C. § 103(a) based on O'Brien et al. U.S. Patent No. 6,351,776 (O'Brien) in view of Kriegsma U.S. Patent No. 5,991,809 (Kriegsma) and further in view of Saigh et al. U.S. Patent No. 5,734,823 (Saigh). These grounds of rejection are addressed below. Claim 17 has been cancelled and claims 9-16, 19-23, 25, and 26 have been amended to be more clear and distinct. Claims 9-16, 19-23, 25, and 26 are presently pending.

Amendments to the Specification

The paragraph beginning on page 8, line 7 is amended to fill in the related application information, and moved to the beginning of the application after the title under a newly added heading Cross-Reference to Related Applications.

The paragraph beginning on page 20, line 6 is amended to correct the labeling of receivers shown in Fig. 13. The listing of receivers 708, 709, 711, and 712 on page 20, lines 27 and 28 is changed to 707, 709, 711, and 713 to correspond to the numerical labels of receivers shown in Fig. 13 and the text on page 20, line 26 and lines 35 and 36.

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The Art Rejections

As addressed in greater detail below, O'Brien, Kriegsma, and Saigh do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of O'Brien, Kriegsma, and Saigh made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

O'Brien describes a system and method for storing and accessing files in locations remote from a user's local system. The user controls the remote storing and accessing of information on remote storage systems as if the information was stored on a hard drive in the user's local system. This "virtual disk drive" may be shared or kept private as determined by the user. O'Brien, col. 5, line 60 – col. 6, line 8. In O'Brien, the storage capacity of the "virtual disk drive" "... may be allocated in individual limited allotments, or be left open-ended and limited only by the capacity of the physical devices responsible for storage". O'Brien, col. 3, lines 25-28. In O'Brien's system, the information to be stored on a client's "virtual disk drive" is located and selected for storage by the client in a similar manner to the client locating and storing information on the client's personal disk drive. O'Brien, Abstract, and col. 3, lines 62-65.

O'Brien's system and method do not address providing services of recording and delivery of media programs to clients, such as those presently claimed. For example, claim 9 addresses a media program delivery method, claim 14 addresses a storage allocation method, and claim 22 addresses a media program storage system. These methods and systems include, for example, determining client storage capacity for a client among a plurality of clients for recording and

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delivery of media programs, for charging for the media program services based on a grade of service selected by a client, or the like. O'Brien does not recognize and does not address problems with media program delivery services and methods in the advantageous manner presently claimed.

In contrast to O'Brien, the present invention provides a method for providing media program delivery services from a media program provider to a client using a client selected grade of service based on a total media program time and a media program delivery data rate. As claimed in claim 9, for example, a media program service provider has a scheduler for recording and playback control. The media program service provider also assigns a cost of the media program services based on the client's selected grade of service. See Fig. 1, page 8, lines 12-19, page 8, line 30 – page 9, line 1, and page 13, line 17 – page 14, line 5 of the present invention.

More particularly, amended claim 9 specifies:

A media program delivery method comprising:
receiving a request for media program services, from a client among a plurality of clients, for recording and delivery of media programs from a media program provider having access to sources of media and a plurality of media delivery systems having a scheduler for recording and playback control of media programs;
determining a client storage capacity in storage remote to the client based on a grade of service selected by the client, wherein the grade of service comprises a duration of total media program time and a media program delivery data rate;
storing the determined client storage capacity as a storage capacity parameter in a client file; and
assigning a cost of the media program services by the media program provider to the client based on the client's selected grade of service. (emphasis added)

Claim 14 addresses a storage allocation method. The storage allocation method determines a client storage capacity allocation based on the client selected grade of service and

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allocates storage capacity accordingly, where "the grade of service comprises a duration of total media program time and a media program delivery data rate".

The present invention stores an identified media program for a predetermined period of time. At the end of the time period, the storage capacity used to store the identified media program is automatically reclaimed for reuse by the client. Specifically, in claim 14, the storage allocation method comprises "storing the identified media program for a predetermined time period if the identified media program does not exceed the client storage capacity allocation" and "automatically reclaiming the amount of storage capacity used to store the identified media program at the end of the predetermined time period, wherein the reclaimed storage capacity may be reused by the client".

Claim 22 further addresses a media program storage system having "a plurality of storage units for receiving and storing a predetermined plurality of requested media programs and for supporting a plurality of grades of service". Claim 22 requires that the network accessible server "operates to notify one of the plurality of storage units to receive and store the requested media program in a client selected format". The media program storage system thereby supports multiple grades of service and the storage of client requested media programs each in client selected formats. See also, Fig. 2, page 12, line 31 – page 14, line 5, and page 16, line 26 – page 17, line 35, for example.

Turning to Kriegsman and Saigh, as addressed in detail below, these items do not cure the deficiencies of O'Brien addressed above and as noted by the Official Action. Kriegsman describes a web serving system that coordinates multiple servers to optimize file transfers

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between lower cost channels and higher cost channels and considers the cost of storage spaces for the files being transferred between servers. Kriegsman, col. 4, line 62 – page 5, line 2. Kriegsman automatically controls data transmission based on a statistical model of channel usage. Kriegsman, col. 7, lines 8-19 and lines 59-62.

In contrast, the present invention addresses in claim 9, for example, a media program delivery method that receives requests for media program services from a client for recording and delivery of media programs, determines a client storage capacity based on a grade of service selected by the client, where the grade of service is a duration of total media program time and a media program delivery data rate, and assigns a cost of the media program services to the client based on the client selected grade of service. Kriegsman does not determine storage capacity for a client based on a grade service selected by the client where the grade of service is directly associated with media program services, such as total media program time and media program delivery data rate. Kriegsman also does not describe assigning a cost to a client based on a client selected grade of service. Neither O'Brien nor O'Brien in view of Kriegsman can be construed to perform the step of "determining a client storage capacity in storage remote to the client based on a grade of service selected by the client, wherein the grade of service comprises a duration of total media program time and a media program delivery data rate" as claimed in amended claim 9. Further, Kriegsman does not cure any of the deficiencies of O'Brien for assigning costs as presently claimed in claim 9 "based on the client's selected grade of service". In short, Kriegsman does not cure the difficiencies of O'Brien.

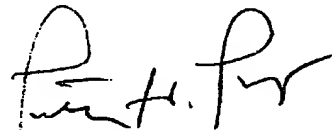
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Saigh provides an information distribution system in which the contracted service provides client selected information, such as books, to be stored in a client provided local storage for playback of the locally stored information on client demand. Saigh provides a terminate and stay resident with re-rent feature that notifies of time outage preventing further use without re-renting the information. Saigh does not provide for "automatically reclaiming the amount of storage capacity used to store the identified media program at the end of the predetermined time period, wherein the reclaimed storage capacity may be reused by the client" as claimed in amended claim 14. Saigh does not cure the deficiencies of Kriegsman and O'Brien.

Conclusion

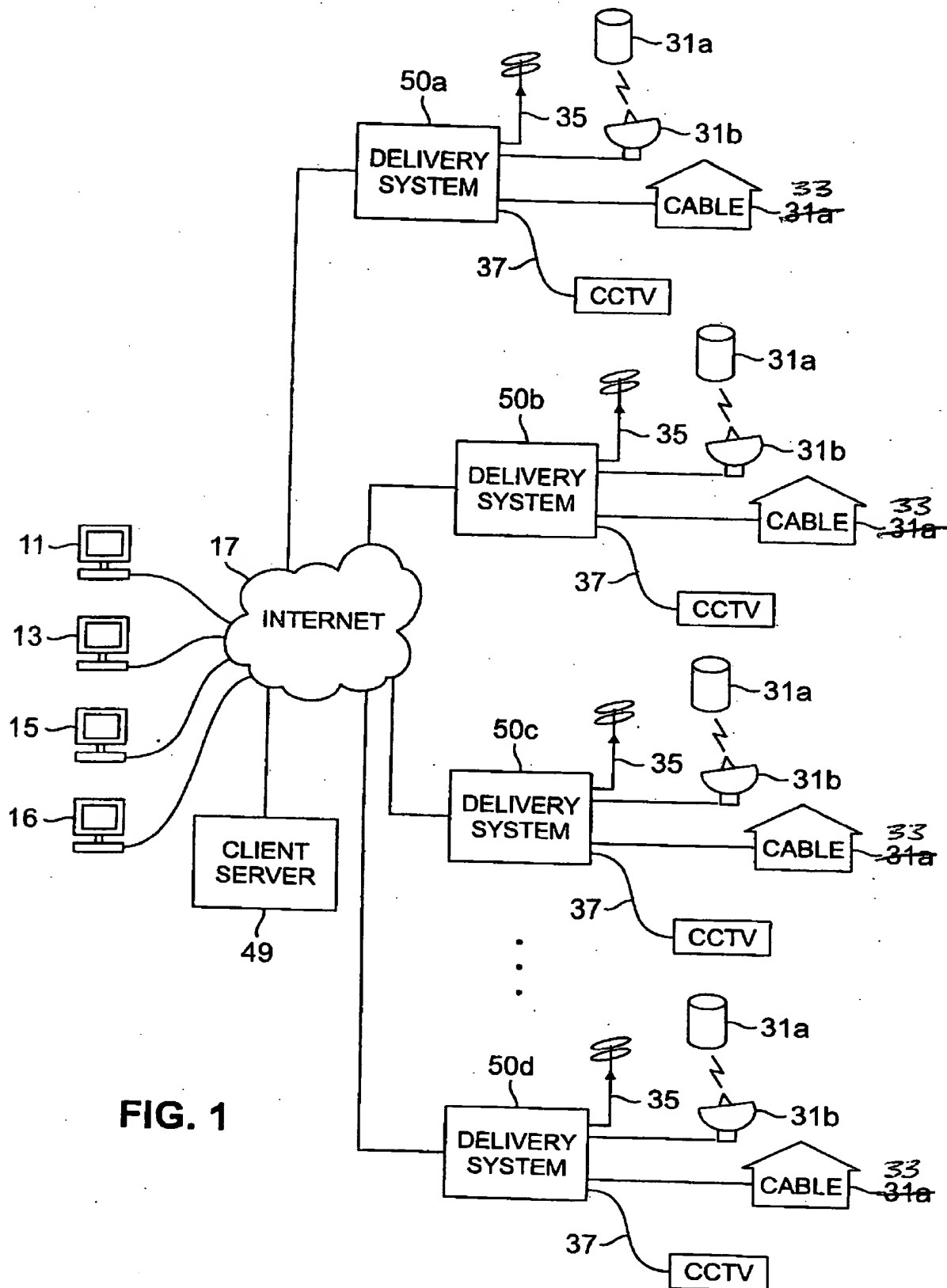
All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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1113 Annotat^d Sheet Showing Charges



10/13 Annotated Sheet Showing Changes

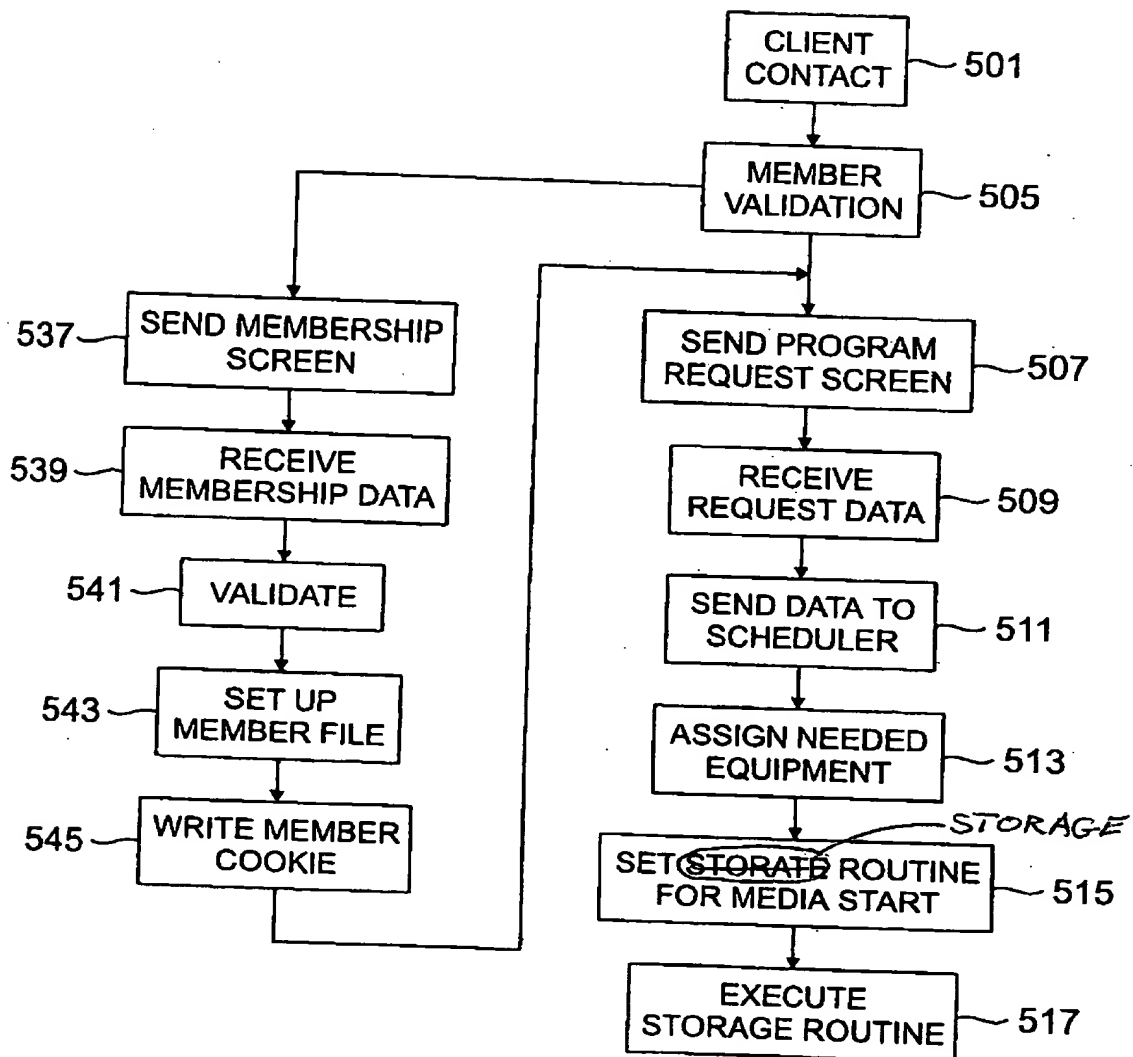


FIG. 10